

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 12-879V
(Not to be published)

JANIE COSCIA ROBERTS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Filed: February 10, 2015

Decision by Stipulation; Attorney's
Fees & Costs

Diana Stadelnikas Sedar, Sarasota, FL, for Petitioner

Gordon Elliot Shemin, Washington, DC, for Respondent

ATTORNEY'S FEES AND COSTS DECISION¹

On December 14, 2012, Petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On November 14, 2014, the parties filed a stipulation detailing an amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner the award outlined by the stipulation.

¹ Because this decision contains a reasoned explanation for my action in this case, I will post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the posted decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. (*Id.*)

On February 4, 2015, counsel for both parties filed another joint stipulation, this time in regards to attorney's fees and costs. The parties have stipulated that Petitioner's counsel should receive a lump sum of \$15,826.05, in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which respondent does not object. In compliance with General Order #9, it also indicated that no out-of-pocket litigation related costs had been incurred by Petitioner in proceeding on the petition.

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of a check in the amount of \$15,826.05 payable jointly to Petitioner and Petitioner's counsel, Diana L. Stadelknikas Sedar, Esq. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.

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Special Master Corcoran

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STIPULATION OF FACTS CONCERNING ATTORNEYS' FEES AND COSTS

It is hereby stipulated by and between the parties, the following factual matters:

1. Diana L. Stadelknikas Sedar is the attorney of record for petitioner.
2. Petitioner submitted a draft Application for Attorneys' Fees and Costs to respondent's counsel requesting \$13,572.00 in attorneys' fees and \$2,254.05 costs, for a total amount of \$15,826.05
3. Respondent does not object to the total amount.
4. Petitioner's statement regarding General Order #9 was filed on December 19, 2014, indicating that she did not expend any costs in prosecution of her claim.
5. The parties now request that a decision awarding attorneys' fees and costs in the amount of \$15,826.05, payable to petitioner and petitioner's counsel, Diana L. Stadelknikas Sedar, be issued.
6. Petitioner understands that the payment totaling \$15,826.05 represents all attorneys' fees and costs available under 42 U.S.C. § 300aa-15(e).
7. Nothing in this Stipulation, including the amounts set forth in paragraph 2, should be construed as an admission, concession, or waiver by either party as to any of the matters raised by petitioner's request for attorneys' fees and costs, including but not limited to the hourly rates requested, the number of hours requested, and other litigation-related costs.

Respectfully submitted,

/s/ Diana L. Stadelnikas Sedar
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/s/ Gordon Shemin
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Torts Branch, Civil Division
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Phone: (202) 616-4208
Attorney of Record for Respondent

Dated: February 4, 2015